

REMARKS

This Response is to the final Office Action dated February 22, 2010. Claims 54 to 57 were previously canceled without disclaimer. Please charge Deposit Account No. 02-1818 for any fees owed in connection with this Response.

In the Office Action, Claims 1 to 53 and 58 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,641,533 to Causey III et al. ("*Causey*") in view of U.S. Patent No. 5,827,180 to Goodman ("*Goodman*"). Applicants respectfully traverse this rejection for at least the following reasons.

Regarding the rejection of independent claim 1, independent claim 1 is directed to a system for reporting on the integrity of a wireless communication link within a healthcare facility including, in part:

a wireless remote device within the healthcare facility having a message indicator responsive to the status information output transmitted over the wireless communication link and representative of the signal generated by the medication treatment application device; software installed on the wireless remote device having a time-out output; and, wherein the time-out output indicates loss of the wireless communication link. (emphasis added).

The software installed on the wireless device of claim 1 has a time-out output that tests the integrity of a wireless communication link. See, Applicants specification, page 5, line 16. For example, the software can test the integrity of the wireless communication link by polling or monitoring communication from a central system (e.g., central system 118) or an access point (e.g., access point 114). See, Applicants specification, page 5, lines 16 to 17. The time-out output of claim 1 is an output generated by the software for indicating that the software has waited a certain amount of time for input, but has not received it. See, Applicants specification, page 5, line 24 to 26.

Applicants respectfully submit that *Causey* and *Goodman* do not disclose or suggest a system for reporting on the integrity of a wireless communication link including software installed on the wireless remote device having a time-out output and the time-out output indicating a loss of the wireless communication link.

The Office Action at page 3 acknowledges that *Causey* does not disclose a system including software installed on a wireless remote device having a time-out output, wherein the time-out output indicates a loss of a wireless communication link. Applicants respectfully

submit that *Causey* does not disclose such a system and refers the Patent Office to the arguments presented in the Response to the Advisory Action of June 3, 2009 and to the Final Office Action of February 20, 2009 with respect to *Causey*. The Office Action relies on *Goodman* for a teaching of a system including software installed on the wireless remote device having a time-out output and the time-out output indicating a loss of the wireless communication link. See, Office Action page 3; pages 8 and 9.

Specifically, the Office Action at pages 8 and 9 states that:

Goodman discloses transmitting a wireless signal to said message device in response to an occurrence of said time action and providing message device with an event indicator having an active and inactive state ('180; Claim 1, Col. 14, lines 1-17).

Therefore given the broadest reasonable interpretation to one of ordinary skill in the art, it is submitted that the transmitting a wireless signal to said message device in response to an occurrence of said time action with an active and inactive state is in a form described as the a time-out output in the Applicant's invention.

Applicants respectfully disagree with this conclusion and the reasons supporting it. As an initial matter, Applicants respectfully submit that during examination claims are not given merely their broadest interpretation, but must instead be, "given their broadest reasonable interpretation consistent with the specification." See, M.P.E.P. 2111; *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005) (emphasis added). Applicants respectfully submit that the Office Action interpretation at pages 8 and 9 of a system for reporting on the integrity of a wireless communication link including software installed on the wireless remote device having a time-out output and the time-out output indicating a loss of the wireless communication link in *Goodman* is not a reasonable interpretation consistent with Applicants' specification.

As stated above, the software of claim 1 has a time-out output that tests the integrity of a wireless communication link. The software can test the integrity of the wireless communication link by polling or monitoring communication from a central system or access point. The time-out output generated by the software indicates that the software has waited a certain amount of time for input, but has not received it. That is, the time-out output indicates a loss of a wireless communication link. See, Applicants' specification, page 5, lines 13 to 26.

In contrast, nowhere does *Goodman* disclose software that tests the integrity of a wireless communication link. Instead, *Goodman* discloses transmitting a wireless signal, receiving the

wireless signal, and placing an event indicator in an active state in response to receiving the wireless signal. See, *Goodman*, claim 1. The active state in *Goodman* appears to be merely an indication that a wireless signal has been received. That is, the event indicator becomes active upon receipt of the wireless signal. See, *Goodman*, claim 1. The inactive state in *Goodman* appears to be merely a state in which no wireless signal has been received. Thus, the inactive state in *Goodman* is not an output resulting from a test as to the integrity of a wireless communication link. That is, the inactive state in *Goodman* does not indicate a loss of a wireless communication link.

To put the above distinction another way, unlike the system for testing the integrity of a wireless communication link of claim 1, the inactive state in *Goodman* does not indicate that software has waited a certain amount of time for an input, but not received it. Nothing in *Goodman* suggests that if a wireless signal is sent and not received, then a time-out output is generated that indicates that a wireless communication link is lost.

The Office Action at page 3 additionally cites to column 5, lines 42 to 55 and column 6 lines 23 to 42 of *Goodman* for disclosure of software installed on a wireless remote device having a time-out output. Applicant respectfully submits that these passages in *Goodman* also fail to disclose or suggest software installed on the wireless remote device having a time-out output and the time-out output indicating a loss of the wireless communication link.

Instead, column 5, lines 42 to 55 in *Goodman* discloses:

[i]n a further embodiment of message device 20, software and adapters can be developed so that personal digital assistants, such as the devices model Wizard available from SHARP Electronics, Inc., device model HP 100LX available from Hewlett Packard, and device model Newton available from Apple Computer, Inc., can communicate with the data processor 10 to receive information from, and deliver information to, the host computer 30 and to generate the alerts for medication regimen, store the patient compliance data, and to provide a display of sales information downloaded from data processor 10 and for two-way communication with data processor. Standard data communications can be used and these can be easily created by persons of ordinary skill in the art.

This above-quoted passage merely describes an embodiment in which messaging device 20 includes software that enables messaging device 20 to communicate with data processor 10 to deliver information to host computer 30 of a third party facility. Nowhere does this passage in *Goodman* describe a system including software installed on a wireless remote device having a

time-out output, and, wherein the time-out output indicates loss of a wireless communication link.

Similarly, column 6, lines 32 to 42 of *Goodman* discloses:

The software will then actuate the alarm and display the appropriate message as the stored regimen is executed, without prompting by wireless carrier 60. This will reduce communication costs. If the medication regimen is changed, the wireless carrier 60 can re-program the paging device 61' as appropriate. Further, the clock 63 in the paging device 61 is preferably resettable by a general broadcast of a time control signal by the wireless carrier 60. This embodiment is better suited for paging devices having two-way communication capabilities so that safe receipt of the downloaded regimen can be confirmed. (emphasis added).

This passage describes an embodiment of the health network of *Goodman* in which the host computer 30 communicates with wireless carrier 60 to provide information to patients having paging devices 61. See, *Goodman*, Fig. 4a and accompanying text. In one version of this embodiment, *Goodman* discloses a modified paging device 61', which includes a non-volatile memory 62, real-time clock 63, antenna 66 and a suitable software 64 for storing data within the paging device. See, *Goodman*, Fig. 4b, column 6, lines 16 to 22.

The Office Action at page 3 states that, "the Examiner interprets the resettable time control signal by the wireless carrier as loss of the wireless communication link." The time control signal to which the Office Action refers is the time control signal underlined in the above quoted passage. Applicants respectfully submit that this time control signal is generated by wireless device for resetting clock 63 within paging device 61. However, *Goodman* does not describe that this time control signal includes a time-output that indicates loss of a wireless link. Instead, the time control signal appears to be a signal that enables the wireless device to remotely program or reprogram information stored on the paging device (e.g., information on the clock component of the paging device). Applicants accordingly respectfully submit that the time control signal of *Goodman* is not software installed on the wireless device having a time-out output that indicates loss of a wireless link, as required by claim 1.

Page 3 of the Office Action appears to admit that *Causey* does not disclose a system for reporting on integrity of a wireless communication link within a healthcare facility including software installed on a wireless remote device having a time-out output, wherein the time-out output indicates loss of the wireless communication link. Specifically, pg. 3 of the Office Action states:

Causey, III et al. further discloses the communication between the medical device module and the infusion device is wireless, does not explicitly disclose a remote device within the healthcare facility having a message indicator responsive to the status information output transmitted over the wireless communication link and responsive to the status information output transmitted over the wireless communication link and representative of the signal generated by the medication treatment application device. (*533; col./line 25/18-26/40).

...
Goodman discloses software installed on the wireless remote device having a time-out (*180; Col. 5, lines 42-55; Col. 6, lines 32-42); wherein the time-out output indicates a loss of the wireless communication link.

For at least the above reasons, Applicants respectfully submit that independent claim 1, and dependent claims 2 to 17 are patentably distinguished over *Causey* and *Goodman* in condition for allowance.

Independent claims 18, 33 and 44 as presently presented include similar elements to claim 1. In particular, claim 18 as presently presented is directed to a method for reporting on integrity of a wireless communication link within a healthcare facility including, in part, installing software on a wireless remote device that generates a time-out output when the wireless communication link is lost. Claim 33 as presently presented is directed to a method for reporting on integrity of a wireless communication link within a healthcare facility including, in part, installing software on a wireless remote device for generating a time-out output by polling or monitoring the communication link to actively test its integrity, and generating the time-out output when the wireless communication link is lost. Claim 44 is directed to a system for reporting on integrity of a wireless communication link within a healthcare facility including, in part, software installed on the wireless remote device having a time-out output, and wherein the time-out output indicates loss of the wireless remote device to receive the status information transmitted over the wireless communication link. The applied prior art of record fails to teach any of these features as has been discussed with respect to claim 1.

Accordingly, for at least the reasons given above with respect to independent claim 1, Applicants respectfully submit that independent claims 18, 33 and 44, and respective dependent claims 19 to 32, 34 to 43, and 45 to 58 are patentably distinguished over *Causey* and *Goodman*.

In addition, Applicants respectfully submit that independent claim 44 as presently presented and numerous dependent claims are also patentably distinguished over *Causey* and *Goodman*. For example, independent claim 44 as presently presented (and dependent claim 16)

includes, in part, “wherein an icon responsive to the time-out output is provided on the visual display.” Dependent claim 17, includes, in part, “wherein a pop-up window is provided on the visual display in response to the time-out output.” Page 8 of the Office Action states:

With respect to Claim 16 . . . Causey et al disclose further wherein an icon responsive to the time-out output is provided on the visual display (*533; Fig. 22: time output).

With respect to Claim 17, . . . Causey, III. et al. discloses further wherein a pop-up window is provided on the visual display in response to the time out (*533, Figs. 22 & 24 pop-up window showing time).

Figs. 22 and 24 are reproduced below.

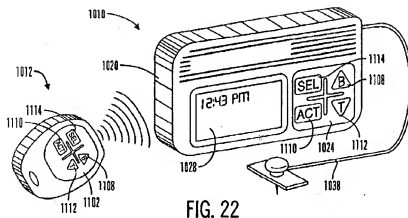


FIG. 22

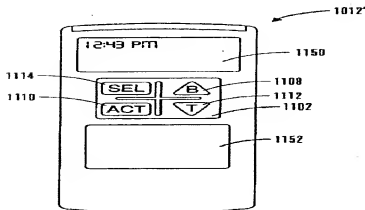


FIG. 24

Applicants respectfully submit that *Causey* does not disclose or even hint that either the RF programmer 1012 (Fig. 22) or the RF programmer 1012' (Fig. 24) above includes (i) an icon

responsive to a time-out output or (ii) a pop-up window provided on the displays 1028 or 1150 respectively, as required by independent claim 44 (and claim 16) and 17 respectively. The only device in *Causey* that includes any type of time-out feature is the RF receiver, as referred to in column 11, line 65 to column 12, line 4, which states, in part, “the receiver will remain in an active mode until a complete sequence of commands has been received, or until the receiver times out due to a lack of RF communications from the RF programmer.” Nowhere does this passage describe that the RF receiver has an icon responsive to the time-out output, or a pop-up window provided on a visual display in response to a time-out output. And, as discussed above, *Goodman* fails to disclose the time-out output feature of claim 1. Applicants accordingly respectfully submit that it would not have been obvious to modify the RF programmer 1012 or 1012’ of *Causey* in view of *Goodman*, to include an icon or pop-up window responsive to a time-out, without reasonably being construed as impermissible hindsight reconstruction.

For at least the above reasons, Applicants respectfully submit that independent claim 44 and dependent claims 16 and 17 are additionally patentably distinguished over *Causey* and *Goodman* and in condition for allowance. Dependent claims 31, 32, 42 and 43 include similar elements to independent claim 44 and dependent claims 16 and 17. Accordingly, for at least the reasons given above with respect to independent claim 44 (and dependent claims 16 and 17), Applicants respectfully submit that dependent claims 31, 32, 42 and 43 are also additionally patentably distinguished over *Causey* and *Goodman*.

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,

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